

such deposit relates, whichever day is earlier.

(b) Notwithstanding the provisions of paragraph (a) of this section, where (1) for taxable years beginning after December 31, 1969, and prior to January 1, 1971, an application for a capital construction fund agreement is filed by a taxpayer prior to January 1, 1972, and a capital construction fund agreement is executed and entered into by the taxpayer prior to March 1, 1972, and (2) for taxable years beginning after December 31, 1970, and prior to January 1, 1972, an application for a capital construction fund agreement is filed by a taxpayer prior to January 1, 1973, and a capital construction fund agreement is executed and entered into by the taxpayer prior to March 1, 1973 (or, if earlier, 60 days after the publication of final joint regulations under section 607 of the Merchant Marine Act, 1936, as amended); then such a capital construction fund agreement will be deemed to be effective as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates.

(c) Deposits made in a capital construction fund pursuant to such an agreement within 60 days after the date of execution of the agreement, or on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1972.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d).

(Sec. 607, Merchant Marine Act of 1936, 46 U.S.C. 1177, as amended by section 21(a), Merchant Marine Act of 1970, 84 Stat. 1026; sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] **JOHNNIE M. WALTERS,**  
Commissioner of Internal Revenue.

Approved: December 23, 1971.

**J. R. PETTY,**  
Assistant Secretary  
of the Treasury.

**A. E. GIBSON,**  
Assistant Secretary for Maritime Affairs, Maritime Administrator.

[FR Doc. 71-19109 Filed 12-29-71; 8:51 am]

## Title 29—LABOR

### Chapter XIII—Bureau of Labor Standards, Department of Labor

#### PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

#### PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

#### PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

#### PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

#### PART 1505—GEAR CERTIFICATION

#### PART 1506—RECORDING AND REPORTING WORK-INJURY FREQUENCY AND SEVERITY DATA CONCERNING LONGSHOREMEN, SHIP REPAIRMEN AND OTHER HARBOR WORKERS

#### PART 1507—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

#### PART 1508—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

#### PART 1509—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

#### PART 1510—SAFETY AND HEALTH PROVISIONS FOR FEDERAL AGENCIES

#### PART 1515—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

#### PART 1516—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

#### PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

##### Transfer of Regulations and Revocation of Part

1. Part 1506 contains recording and reporting requirements concerning injuries covered by the Longshoremen's and Harbor Workers' Compensation Act. Since a comprehensive statistical program on work injuries and illnesses is being developed under the Williams-Steiger Occupational Safety and Health Act of 1970, and since employers subject to Part 1506 are likely to be subject to the recording and reporting requirements prescribed under that Act (36 F.R. 12612), it is deemed desirable to revoke Part 1506 in order to avoid an unnecessary burden and an unnecessary duplication of efforts. Accordingly, Part 1506

of Title 29 of the Code of Federal Regulations is hereby revoked.

2. By a companion document published in this same issue of the FEDERAL REGISTER, the regulations in Parts 1501, 1502, 1503, 1504, 1505, 1507, 1508, 1509, 1510, 1515, 1516, 1518, of Chapter XIII of Title 29 of the Code of Federal Regulations have been transferred to Chapter XVII of Title 29.

Inasmuch as these changes do not have any substantial effect on the public, notice of rule making and public participation therein are deemed unnecessary. And inasmuch as the changes are either not substantive or relieve an obligation, no delay in effective date is necessary. Accordingly, good cause is found for not providing such notice, public participation, and delay.

**Effective date.** These rules shall become effective upon publication in the FEDERAL REGISTER (12-30-71).

(Sec. 41, 44 Stat. 1444, as amended, 39 U.S.C. 941; 5 U.S.C. 7902; sec. 12(b), 13(a), 79 Stat. 1284, 1288; 29 U.S.C. 41a, 41b; sec. 4, 79 Stat. 1085; 41 U.S.C. 353; sec. 107, 83 Stat. 96; 40 U.S.C. 338; sec. Order No. 12-71, 86 F.R. 8754)

Signed at Washington, D.C., this 23d day of December 1971.

**G. C. GUENTHER,**  
Assistant Secretary of Labor.

[FR Doc. 71-19073 Filed 12-29-71; 8:48 am]

### Chapter XVII—Occupational Safety and Health Administration, Department of Labor

#### PART 1912—ADVISORY COMMITTEES ON STANDARDS

Pursuant to sections 6(b), 7(b), and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656, 657) and section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), commonly known as the Construction Safety Act, Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new Part 1912 to read as set forth below.

The new Part 1912 shall become effective upon publication in the FEDERAL REGISTER (12-30-71).

##### Subpart A—General

Sec.	
1912.1	Purpose and scope.
1912.2	Definitions.
1912.3	National Advisory Committee on Occupational Safety and Health distinguished.
1912.4	Conflict of interest.
1912.5	Petitions for changes in the rules.

##### Subpart B—Section 7(b) Advisory Committees

1912.10	Standing and temporary committees.
1912.11	Composition of advisory committees.
1912.12	Terms of standing committee members.
1912.13	Terms of temporary committee members.

##### Subpart C—Construction Safety Advisory Committee

1912.20	Membership.
1912.21	Term of membership.



## Subpart D—Action of Advisory Committees

- Sec.  
 1912.25 Open meetings.  
 1912.26 Call of meetings.  
 1912.27 Notice of meetings.  
 1912.28 Subcommittees; experts and consultants.  
 1912.29 Participation by interested persons.  
 1912.30 Matters outside the jurisdiction of advisory committees.  
 1912.31 Department of Labor representation.  
 1912.32 Quorum; Committee procedure.  
 1912.33 Record.  
 1912.34 Advice of advisory committees.

## Subpart E—Supporting Services

- 1912.40 General services.  
 1912.41 Legal services.

**AUTHORITY:** The provisions of this Part 1912 issued under secs. 6(b), 7(b), 8(g), 84 Stat. 1593, 1597, 1600; 29 U.S.C. 655, 657; sec. 107, Public Law 87-581, as added, 83 Stat. 96; 40 U.S.C. 333.

## Subpart A—General

## § 1912.1 Purpose and scope.

(a) This part prescribes policies and procedures governing the composition and functions of advisory committees which may be appointed to assist the Assistant Secretary in carrying out the standards-setting responsibilities under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act).

(b) Section 6(b)(1) of the Act expressly empowers the Secretary of Labor to seek the advice of an advisory committee which he may appoint under section 7(b) for the purpose of making recommendations to him concerning any rulemaking to promulgate, modify, or revoke any occupational safety or health standards. Occupational safety and health standards which have been issued under the Act are published in Part 1910 of this chapter. Section 7(b) is read as permitting the Secretary to seek the advice of any advisory committee at any stage of a rulemaking proceeding.

(c) This part also prescribes the policies and procedures governing the composition and functions of the Advisory Committee on Construction Safety and Health which has been established under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), commonly known as the Construction Safety Act. The aforesaid section 107 requires the Secretary of Labor to seek the advice of the Advisory Committee in formulating construction standards thereunder. The standards which have been issued under section 107 are published in Part 1518 of this title. In view of the far-reaching coverage of the Construction Safety Act, the myriad of standards which may be issued thereunder, and the fact that the Construction Safety Act would also apply to much of the work which is covered by the Williams-Steiger Occupational Safety and Health Act of 1970, whenever occupational safety or health standards for construction activities are proposed, the Secretary shall consult the Advisory Committee. An additional advisory committee will not normally be established

under section 7(b) of the Act, unless the issue or issues involved include, but extend beyond construction activity.

## § 1912.2 Definitions.

As used in this Part 1912, unless the context clearly requires otherwise

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 650).

(b) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

(c) "Construction Safety Act" means the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333).

(d) "Secretary" means the Secretary of Labor.

(e) "Advisory committee" means an advisory committee appointed under section 7(b) of the Act and the Construction Safety Advisory Committee.

(f) "Construction Safety Advisory Committee" means the advisory committee established under section 107(e) of the Construction Safety Act.

## § 1912.3 National Advisory Committee on Occupational Safety and Health distinguished.

(a) Section 7(a) of the Act established a National Advisory Committee on Occupational Safety and Health. The Committee is to advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to general administration of the Act.

(b) Advisory committees appointed under section 7(b) of the Act, which are the subject of this Part, have a more limited role. Such advisory committees are concerned exclusively with assisting the Assistant Secretary in his standards-setting functions under section 6 of the Act.

(c) On the other hand, the Advisory Committee on Construction Safety and Health, established under the Construction Safety Act, provides assistance to the Assistant Secretary with respect to both the setting of standards thereunder and policy matters arising in the administration of the Construction Safety Act. To the extent that the Advisory Committee on Construction Safety and Health renders advice to the Assistant Secretary on general policy matters, its activities shall be coordinated with those of the National Advisory Committee on Occupational Safety and Health.

## § 1912.4 Conflict of interest.

No members of any advisory committee other than members representing employer or employee members shall have an economic interest in any proposed rule.

## § 1912.5 Petitions for changes in the rules.

Each interested person shall have the right to petition for the issuance, amendment, or repeal of rules published in this part. Any such petition will be considered in a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition. Except in affirming a

prior denial or when the denial is self-explanatory, the notice shall be accompanied by a brief statement of the grounds for denial.

## Subpart B—Section 7(b) Advisory Committees

## § 1912.10 Standing and temporary committees.

The Assistant Secretary may appoint standing or temporary advisory committees under section 7(b) of the Act. It is expected that standing committees would be appointed to deal with broad subjects or issues, or subjects or issues which may likely be the subject of frequent standards-setting procedures. On the other hand, it is expected that a temporary advisory committee under section 7(b) of the Act will render advice to him in his standards-setting functions in particular rulemaking proceedings under section 6 of the Act. A temporary advisory committee shall dissolve upon the termination of the rulemaking proceeding involved.

## § 1912.11 Composition of advisory committees.

(a) Any advisory committee appointed by the Assistant Secretary under section 7(b) of the Act shall contain the following:

(1) At least one member who is a designee of the Secretary of Health, Education, and Welfare;

(2) At least one member who is qualified by experience and affiliation to present the viewpoint of the employers involved, and at least one member who is similarly qualified to present the viewpoint of the employees involved. There shall be an equal number of representatives of employers and employees involved; and

(3) At least one representative of State health and safety agencies.

(b) The advisory committee may include such other persons as the Assistant Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of the committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health and one or more persons of nationally recognized standards-producing organizations, but the number of persons so appointed shall not exceed the number of persons appointed as representatives of Federal and State agencies.

(c) Each committee shall consist of not more than 15 members.

(d) One member shall be designated Chairman by the Assistant Secretary.

## § 1912.12 Terms of standing committee members.

(a) Each member of a standing committee, other than those appointed to a committee when it is formed initially shall serve for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve because he no longer meets the representation requirements of section 7(b) of the Act or is removed by the Assistant Secretary.



in the interest of the administration of the Act. In such cases the Assistant Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

(b) To provide for continuity in the membership of each standing committee the initial appointments of its members shall be varied. For example, in the case of a 15-member committee, the Secretary could appoint four members representing Federal and State agencies and four members representing nongovernmental interests to terms which expire with the termination of the fiscal year in which they are appointed, and four members representing Federal and State agencies and three members representing nongovernmental interests to terms which expire with the termination of the fiscal year which follows the year in which they are initially appointed. Thereafter, at the expiration of such terms, members would be appointed or reappointed for a regulation term of 2 years. The initial appointments of committees with fewer than 15 members would be similarly varied.

(c) Any vacancies on standing committees shall be filled as soon as practicable.

**§ 1912.13 Terms of temporary committee members.**

Each member of a temporary advisory committee shall serve for such period as the Assistant Secretary may prescribe in his notice of appointment unless he becomes unable to serve, or resign, or cease to be qualified to serve because they no longer meet the representational requirements of section 7(b) of the Act, or is removed by the Secretary of Labor in the interest of the administration of the Act. In such cases the Secretary may appoint a new member to serve for the remaining portion of the period prescribed in the notice appointing the original member of the committee.

**Subpart C—Construction Safety Advisory Committee**

**§ 1912.20 Membership.**

The Construction Safety Advisory Committee is a continuing advisory body consisting of nine members appointed by the Assistant Secretary, one of whom is appointed by him as Chairman. Three members shall be persons who are representative of contractors to whom section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) applies; three members shall be persons who are representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which section 107 of the aforementioned Act applies; and three members shall be public representatives qualified on the basis of their professional and technical competence and experience in the construction safety and health field.

**§ 1912.21 Term of membership.**

Each member of the Construction Safety Advisory Committee shall serve

for a period of 2 years, unless he becomes unable to serve, or resigns, or ceases to be qualified to serve on the committee because he no longer meets the representational requirements of section 107(e) of the Contract Work Hours and Safety Standards Act (the Construction safety Act), or is removed by the Secretary of Labor in the interests of the administration of the Act. In such cases the Secretary may appoint a new member to serve for the remainder of the unexpired term, who shall be representative of the same interest.

**Subpart D—Action of Advisory Committees**

**§ 1912.25 Open meetings.**

The meetings of advisory committees and any subcommittees thereof shall be open to the public.

**§ 1912.26 Call of meetings.**

Meetings shall be held by advisory committees at the call of, or with the advance approval of, the Assistant Secretary or his duly authorized representative and with an agenda formulated or approved in advance by the person calling or approving the meeting. No particular form for the agenda is prescribed.

**§ 1912.27 Notice of meetings.**

Whenever practicable, the Assistant Secretary may publish, or cause to be published, in the FEDERAL REGISTER a notice of any meeting of any advisory committee or subcommittee thereof. Any notice shall include: (a) A summary description of the proposed rule or rules or of the subject matter for which the advisory committee's recommendations are requested and which is the subject matter of the meeting; and (b) a statement that the meeting is open to the public.

**§ 1912.28 Subcommittees; experts and consultants.**

An advisory committee may appoint and use subcommittees thereof. The advisory committee shall appoint a chairman for the subcommittee. The representation of various interests on a subcommittee shall be proportionate to that on the advisory committee itself, and shall be not less than the minimum representation specified under § 1912.32 for a quorum of the advisory committee. Upon request by an advisory committee or subcommittee, the Assistant Secretary may make available to the committee or subcommittee experts and consultants in the field or fields involved. Any experts and consultants so made available may participate in the deliberations of the committee or subcommittee with the approval and permission of the committee or subcommittee, but the experts and consultants would have no power to vote with respect to any action of the committee or subcommittee.

**§ 1912.29 Participation by interested persons.**

(a) In the discretion of an advisory committee or subcommittee thereof, known interested persons may be per-

mitted to participate in any meeting thereof subject to the limitations contained in paragraph (b) of this section to the extent that their participation would assist the advisory committee or subcommittee in the discharge of its duties.

(b) The participation of interested persons shall be exclusively to assist the advisory committee or subcommittee in the discharge of its duties, and shall not anticipate presentations which would be more appropriately made in any subsequent proceedings under section 6(b) of the Act.

**§ 1912.30 Matters outside the jurisdiction of advisory committees.**

Whenever the Construction Safety Advisory Committee or any other advisory committee concludes that any subjects and issues before it may be relevant to health or safety in employment beyond its jurisdiction, the Construction Safety Advisory Committee or other advisory committee shall promptly inform the Assistant Secretary of its conclusion. When so informed, the Assistant Secretary may appoint an additional advisory committee, and refer such subject and issues to the additional advisory committee with directions to coordinate its activities with those of the Construction Safety Advisory Committee or other advisory committee, as the case may be.

**§ 1912.31 Department of Labor representation.**

Every meeting of an advisory committee or subcommittee shall be conducted in the presence of a duly authorized full-time salaried officer or employee of the Department of Labor.

**§ 1912.32 Quorum; Committee procedure.**

(a) A majority of the members of an advisory committee shall constitute a quorum, so long as (1) at meetings of the Construction Safety Advisory Committee at least one public member, one member representative of contractors, and one member representative of employees are present; and (2) at meetings of advisory committees appointed under section 7(b) of the Act at least one member representative of the Secretary of Health, Education, and Welfare, one member representative of a State agency, one member representative of involved employers, and one member representative of involved employees are present.

(b) To the extent appropriate, the chairman of any advisory committee or subcommittee thereof shall govern the proceedings of the committee or subcommittee with Robert's Rules of Order.

**§ 1912.33 Record.**

(a) The proceedings of any advisory committee or subcommittee meeting shall be recorded by a reporter who will prepare a verbatim transcript and who will certify as to its accuracy. The verbatim transcript shall be available for public inspection and copying in the Office of the Assistant Secretary, Department of Labor, Washington, D.C.



(b) A copy of the agenda and of the verbatim transcript of proceedings for each meeting of an advisory committee shall be forwarded to the office of the Assistant Secretary for Administration and Management for his committee files.

**§ 1912.34 Advice of advisory committees.**

(a) Approval by a majority of all the members of an advisory committee is encouraged for rendering advice or making recommendations. However, a failure to marshal a majority of all members of an advisory committee shall not be a reason for not giving advice to the Assistant Secretary. The Assistant Secretary shall be informed of any concurring or dissenting views. If the advice of an advisory committee is not forthcoming within a period of time prescribed by the Assistant Secretary or by the Act, the Assistant Secretary shall direct the immediate return of any materials which may have been submitted to the advisory committee.

(b) Any advice or recommendations of the advisory committee shall be reduced to writing and shall be stated in summary form.

**Subpart E—Supporting Services**

**§ 1912.40 General services.**

The Assistant Secretary shall provide supporting services to advisory committees. Such services shall include clerical, stenographic, and other forms of technical assistance.

**§ 1912.41 Legal services.**

The Solicitor of Labor shall provide such legal assistance as may be necessary or appropriate for advisory committees to carry out their functions in accordance with the requirements of this part.

Signed at Washington, D.C., this 23d day of December 1971.

G. C. GUENTHER,  
Assistant Secretary of Labor.

[FR Doc.71-19075 Filed 12-29-71; 8:49 am]

**PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING**

**PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING**

**PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING**

**PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING**

**PART 1919—GEAR CERTIFICATION**

**PART 1920—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT**

**PART 1921—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT**

**PART 1922—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT**

**PART 1923—SAFETY AND HEALTH PROVISIONS FOR FEDERAL AGENCIES**

**PART 1924—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS**

**PART 1925—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS**

*Former designation*

- Part 1501—Safety and Health Regulations for Ship Repairing.
- Part 1502—Safety and Health Regulations for Shipbuilding.
- Part 1503—Safety and Health Regulations for Shipbreaking.
- Part 1504—Safety and Health Regulations for Longshoring.
- Part 1505—Gear Certification.
- Part 1507—Procedure for Variations From Safety and Health Regulations Under Longshoremen's and Harbor Workers' Compensation Act.

*Present designation*

- Part 1508—Rules of Practice in Enforcement Proceedings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
- Part 1509—Investigational Hearings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
- Part 1510—Safety and Health Provisions for Federal Agencies.
- Part 1515—Safety Standards Applicable to Workshops and Rehabilitation Facilities Assisted by Grants.
- Part 1516—Safety and Health Standards for Federal Service Contracts.
- Part 1518—Safety and Health Regulations for Construction.

The terms "Director" and "Director of the Bureau of Labor Standards" shall be deemed to mean the Assistant Secretary of Labor for Occupational Safety and Health, and the terms "Bureau" and "Bureau of Labor Standards" shall be deemed to mean the Occupational Safety and Health Administration, wherever the terms may occur in any of the parts transferred and redesignated.

Inasmuch as this rule has no substantial effect on the public, notice of proposed rule making, public participation therein, and delay in effective date are unnecessary. Accordingly, good cause is hereby found for not providing such notice, public participation and delay.

**PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION**

**Redesignation**

Secretary's Order No. 12-71 (36 F.R. 8754) establishes an Occupational Safety and Health Administration in the Department of Labor, and assigns to the Assistant Secretary of Labor for Occupational Safety and Health authority and responsibility to carry out the functions of the Secretary of Labor with respect to occupational safety and health. The regulations of the Occupational Safety and Health Administration are in Chapter XVII of Title 29 of the Code of Federal Regulations. In order to bring together safety and health regulations enforced by the Administration, the safety and health regulations now appearing in Chapter XIII of Title 29 of the Code of Federal Regulations are hereby transferred to Chapter XVII of Title 29 and redesignated as follows:

*Redesignation*

- Part 1915—Safety and Health Regulations for Ship Repairing.
- Part 1916—Safety and Health Regulations for Shipbuilding.
- Part 1917—Safety and Health Regulations for Shipbreaking.
- Part 1918—Safety and Health Regulations for Longshoring.
- Part 1919—Gear Certification.
- Part 1920—Procedure for Variations From Safety and Health Regulations Under Longshoremen's and Harbor Workers' Compensation Act.

*Redesignation*

- Part 1921—Rules of Practice in Enforcement Proceedings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
- Part 1922—Investigational Hearings Under Section 41 of the Longshoremen's and Harbor Workers' Compensation Act.
- Part 1923—Safety and Health Provisions for Federal Agencies.
- Part 1924—Safety Standards Applicable to Workshops and Rehabilitation Facilities Assisted by Grants.
- Part 1925—Safety and Health Standards for Federal Service Contracts.
- Part 1926—Safety and Health Regulations for Construction.

**Effective date.** This rule shall become effective on publication in the *FEDERAL REGISTER* (12-30-71).

(Sec. 41, 44 Stat. 1444, as amended, 33 U.S.C. 941; 5 U.S.C. 7902; secs. 12(b), 13(e), 79 Stat. 1284, 1288; 29 U.S.C. 41a, 41b; sec. 4, 79 Stat. 1035; 41 U.S.C. 353; sec. 107, 83 Stat. 96; 40 U.S.C. 333; sec. Order No. 12-71, 36 F.R. 8754)

Signed at Washington, D.C., this 23d day of December 1971.

G. C. GUENTHER,  
Assistant Secretary of Labor.

[FR Doc.71-19074 Filed 12-29-71; 8:48 am]



# Title 40—PROTECTION OF ENVIRONMENT

## Chapter I—Environmental Protection Agency

### PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

#### Miscellaneous Amendments

On August 14, 1971 (36 F.R. 15486), the Environmental Protection Agency promulgated as 42 CFR Part 420, regulations for the preparation, adoption, and submittal of State implementation plans. These regulations were republished November 25, 1971, as 40 CFR Part 51. The republished regulations incorporated corrections of several typographical and technical errors.

These amendments make several additional changes. The principal changes are as follows:

1. In air quality control regions where control of hydrocarbon emissions from stationary sources is not necessary for attainment of the national standard for photochemical oxidants, such hydrocarbon control need not be included in the control strategy for attainment of the national standard for nitrogen dioxide. A reappraisal of available data on the role of hydrocarbons in atmospheric conversion of nitric oxide to nitrogen dioxide has indicated that there is not now sufficient evidence that the use of stationary source hydrocarbon control will make a significant contribution to retarding such atmospheric conversion.

2. Performance specifications applicable to instrumental methods of measuring ambient air concentrations of nitrogen dioxide and nonmethane hydrocarbons are being added to the regulations in response to comments that such specifications are needed to promote continued development and improvement of air monitoring capabilities.

3. Appendix B is corrected by adding a sentence that had been inadvertently omitted.

Part 51 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows, effective upon publication (12-30-71).

1. In § 51.14, paragraph (c) (3) is revised to read as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide.

(c) . . . .

(3) In any region where the degree of nitrogen oxides emission reduction necessary for attainment and maintenance of the national standard for nitrogen dioxide is greater than that which can be achieved by the application of (i) the Federal motor vehicle emission standards promulgated under section 202 of the Act and (ii) any transportation control measures which may be necessary for attainment and maintenance of the

national standards for carbon monoxide and photochemical oxidants, the plan shall provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology.

#### § 51.17 [Amended]

2. In § 51.17, footnote "i" to the table included in paragraph (a) (1) is revised to read as follows:

1. All named measurement methods, except the Tape Sampler method, are described in

the national ambient air quality standards published April 30, 1971 (36 F.R. 8188). Other methods, including, but not necessarily limited to, those specified under footnotes (d), (e), and (f), will be considered equivalent if they meet the definition of "Equivalent Method" set forth in such national ambient air quality standards and if they meet the following performance specifications:

3. Footnote "i" in § 51.17 is further revised by adding to table therein the following columns setting forth specifications for nitrogen dioxide and hydrocarbons measurement methods:

Specification	POLLUTANTS	
	Nitrogen dioxide	Hydrocarbons (corrected for methane)
Range	0-1880 µg/m <sup>3</sup> (0-1 p.p.m.)	0-3 mg/m <sup>3</sup> (0-5 p.p.m.)
Minimum detectable sensitivity	19 µg/m <sup>3</sup> (0.01 p.p.m.)	0.13 mg/m <sup>3</sup> (0.29 p.p.m.)
Rise time, 90%	5 minutes	5 minutes
Fall time, 90%	5 minutes	5 minutes
Zero drift	±1% per day and ±2% per 3 days (full scale)	±1% per day and ±2% per 3 days (full scale)
Span drift	±1% per day and ±2% per 3 days (full scale)	±1% per day and ±2% per 3 days (full scale)
Precision	±4%	±2%
Operation period	3 days	3 days
Noise	±0.5% (full scale)	±0.6% (full scale)
Interference equivalent	19 µg/m <sup>3</sup> (0.01 p.p.m.)	0.03 mg/m <sup>3</sup> (0.05 p.p.m.)
Operating temperature fluctuation	±5° C	±5° C
Linearity	2% (full scale)	2% (full scale)

4. In Appendix B, section 4.1 is corrected by adding the following sentence at the end of paragraph (b): "These emission limitations are not intended for application to underground tanks used for long-term storage, where filling operations occur frequently."

5. Appendix I is corrected as follows:

"GF" of the equation used to calculate the expected air quality concentration for any given year is changed from "Growth factor for emission increases from stationary sources," to "Ratio of emissions from nonmotor vehicle sources in the future year of interest to the emissions from nonvehicle sources in the base year."

(Sec. 301(a), Clean Air Act, 42 U.S.C. 1857g (a), as amended by sec. 15(c) (2), Public Law 91-604, 84 Stat. 1713)

Dated: December 23, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc. 71-19095 Filed 12-29-71; 8:51 am]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES [General Order 26, Amdt. 1]

### PART 548—REGULATIONS TO IMPLEMENT THE ECONOMIC STABILIZATION ACT, 1970, AS AMENDED

#### Notification Requirements of Terminal Operators as Service Organizations

Take notice that the Federal Maritime Commission has amended its Part 548 of Title 46 CFR, to modify the requirements for terminal operators to submit certain revenue data in order that proposed rate increases might be reviewed by the Commission before imposition for

compliance with the Economic Stabilization Act, 1970, as amended.

The purpose of this amendment is to clarify the status of the terminal operator consonant with the regulations of the Price Commission as amended in the FEDERAL REGISTER, vol. 36, No. 242, Thursday, December 16, 1971.

Title 6 CFR 300.16 as above amended specifically applies to "public utilities" rather than "public utilities and regulated persons" as in previous revisions. Accordingly, the Commission has determined that terminal operators are no longer required to seek Commission approval of proposed rate increases. To the extent such terminal operators as service organizations must prenotify the Price Commission of proposed or actual increases, that information must be also submitted to the Commission on an informational basis.

Therefore, pursuant to authority in the Shipping Act, 1916, 46 U.S.C. section 801, et seq.; the Intercoastal Shipping Act, 1933, 46 U.S.C. section 843, et seq.; and the Economic Stabilization Act, 1970, as amended, Public Law 91-379, 84 Stat. 799, Public Law 91-588, 84 Stat. 1468, Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38, Executive Order No. 11627 (31 F.R. 20139, October 16, 1971); 6 CFR parts 101, 201, and 300, as amended, Part 548 of Title 46 CFR is amended as follows:

#### § 548.2 [Amended]

1. Section 548.2 Categories of carriers and terminal operators for notification purposes is amended by deleting the phrase "or terminal operators" from the first sentence of paragraph (a), from the first sentence of paragraph (b), and from the first and third sentences of paragraph (c), and by adding a new paragraph (d) reading as follows:

(d) Terminal operators, as service organizations as defined in Title 6 CFR